

J. RANDALL ANDRADA (SBN:70000)
LYNNE G. STOCKER (SBN 130333)
ANDRADA & ASSOCIATES
PROFESSIONAL CORPORATION
180 Grand Avenue, Suite 225
Oakland, California 94612
Tel.: (510) 287-4160
Fax: (510) 287-4161

Attorneys for Defendants
GREGORY AHERN, OFFICER CHAVEZ,
OFFICER GARCIA, OFFICER KING
and OFFICER OBICHERE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

YVETTE FELARCA, et al.,

Plaintiffs,

v.

ROBERT J. BIRGENEAU, et al.,

Defendants.

Case No.: 4:11-cv-05719-YGR

**STIPULATION AND [PROPOSED]
ORDER REVISING CASE SCHEDULE**

The parties, by and through their respective counsel, stipulate as follows:

I. RECITALS

1. On November 1, 2012, this Court ordered the following schedule for this case, per a modification of the parties' stipulation (both the stipulation and the modification had been entered at the request of the plaintiffs): [Docket #74]

i. Hearings on any motions filed in response to the Amended Complaint are set for Tuesday, December 11, 2012, at 2 p.m.

ii. The Case Management Conference is set for February 11, 2013.

2. This was the third postponement of the current proceedings. The hearing now set for December 11, 2012 had previously been scheduled for November 13, 2012, but plaintiffs' counsel requested and defendants' counsel and this Court agreed to postpone it because plaintiffs' attorney was scheduled to be in London to speak at a conference and for a court appearance.

3. When issuing the order [Docket #74], the Court was unaware that December 11, 2012 and February 11, 2013 were also undesirable dates, for reasons stated below. This stipulation seeks to avoid a repetition of this problem by giving a full range of dates that are available and unavailable for all the parties.

4. The parties stipulate (1) to a rescheduling of the December 11, 2012 hearing to December 4, 2012 or, in the alternative, to January 15, or February 26 of 2013; and (2) to a rescheduling of the February 11, 2013 Initial Case Management Conference to January 7, January 14, February 25, March 4, or March 11 of 2013.

5. The parties respectfully request this Court to schedule the hearing on motions filed in response to the Amended Complaint on December 4, 2012, in light of the scheduling complications involved with postponement as set forth below.

6. Regarding the possible dates for the hearing on motions filed in response to the Amended Complaint currently set for December 11, 2012, the attorneys have consulted and determined:

i. December 11, 2012 is unavailable because Russell Perry, attorney for defendants Hernandez, Lachler, and Florendo, has an arbitration hearing December 11, 2012, and Lynne Stocker, attorney for defendants Ahern, Chavez, Garcia, King and Obichere, has an arbitration hearing December 11-12, 2012.

ii. December 18, 2012 is unavailable because Ms. Stocker has depositions that day, and Mr. Perry has a pretrial hearing in San Francisco at 2:00pm.

iii. December 25, 2012 and January 1, 2013 are unavailable because they are holidays.

iv. January 8, 2013 is unavailable on the Court's calendar.

v. January 15, 2013 is available.

vi. January 22, 2013 is unavailable because Mr. Perry has a trial scheduled January 22-February 1, 2013 in San Francisco and because Ms. Stocker has pre-paid plans to attend the inauguration in Washington, D.C.

vii. January 29, 2013 is unavailable because of Mr. Perry's trial scheduled January 22-February 1, 2013 in San Francisco.

viii. February 5, 2013 is not available on the Court's calendar.

ix. February 12, 2013 is unavailable because Mr. Perry has a trial before the State Personnel Board February 11-15, 2013 that was coordinated with multiple parties and the Administrative Law Judge.

x. February 19, 2013 is unavailable because Ms. Stocker has a mediation scheduled.

11. It is the parties' understanding that the Court shares their desire to hold the Initial Case Management Conference some time after the above hearing. Regarding scheduling the Initial CMC, the attorneys have consulted and determined:

i. The present date of February 11, 2013 is unavailable because Mr. Perry has a trial before the State Personnel Board February 11-15, 2013 that was coordinated with multiple parties and the Administrative Law Judge.

ii. December 24 is not available on the Court's calendar.

iii. December 31 is not available on Mr. Perry's calendar.

iv. January 7 and January 14, 2013 are available.

v. January 21, 2013 is not available because the Court is closed for the holiday.

vi. January 28 is not available because of Mr. Perry's trial scheduled January 22-February 1, 2013 in San Francisco.

vii. February 4 is not available on the Court's calendar.

viii. February 11 is not available for the reasons set forth above.

ix. February 18 is not available because the Court is closed for the holiday.

x. February 25 is available.

12. If the hearing on motions filed in response to the Amended Complaint is held in February of 2013, the parties respectfully request that the Initial CMC be held on March 4, March 11, March 18, or March 25 of 2013—which are available to all parties and their counsel.

13. The motions to dismiss, if granted, would narrow the issues of this case before the Case Management Conference.

II. STIPULATION

1. All replies to oppositions to motions filed in response to the Amended Complaint were timely filed on November 13, 2012.

2. Hearings on any motions filed in response to the Amended Complaint shall take place on December 4, 2012, or January 15, 2013, or February 26, 2013 at 2:00 p.m. or at such other time as the Court may order.

3. The Initial Case Management Conference shall take place on January 7, January 14, February 25, March 4, or March 11 of 2013 at 2:00 p.m., or at such other time as the Court may order.

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By the parties' attorneys IT IS SO STIPULATED,

Dated: November 16, 2012

SCHEFF, WASHINGTON & DRIVER

/s/ Ronald Cruz

By: _____
RONALD CRUZ
Attorneys for Plaintiffs

Dated: November 16, 2012

ANDRADA & ASSOCIATES

/s/ Lynne G. Stocker

By: _____
LYNNE G. STOCKER
Attorneys for Defendants
GREGORY AHERN, OFFICER CHAVEZ,
OFFICER GARCIA, OFFICER KING and
OFFICER OBICHERE

Dated: November 16, 2012

CROWELL & MORING, LLP

/s/ Janine L. Scancarelli

By: _____
JANINE L. SCANCARELLI
Attorneys for Defendants
ROBERT J. BIRGENEAU, GEORGE
BRESLAUER, HARRY LE GRANDE,
LINDA WILLIAMS, JOHN WILTON,
CLAIRE HOLMES, MITCHELL CELAYA

Dated: November 16, 2012

LACKIE, DAMMEIER, MCGILL & ETHIR

/s/ Russell M. Perry

By: _____
RUSSELL M. PERRY
Attorneys for Defendants
OFFICER N. HERNANDEZ, OFFICER
LACHLER AND DETECTIVE RICK
FLORENDO

I hereby attest that I have on file all holograph signatures for any signatures indicated by a
"conformed" signature (/s/) within this efiled document.

/s/ Lynne G. Stocker

LYNNE G. STOCKER

ORDER

The December 11, 2012 Hearing on the Defendants' Motions to Dismiss (Dkt. Nos. 50, 52, 57, 58) is **CONTINUED** to **February 26, 2013**.

The February 11, 2013 Case Management Conference is **CONTINUED** to **March 11, 2013**.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December 7, 2012


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE

ANDRADA & ASSOCIATES
PROFESSIONAL CORPORATION